IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Kalla Singh. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 970/2006
against the Order dated 22-7-2006 passed
by the Sessions Judge, Hanumangarh, in
Criminal Revision No. 196/2006.

...

Date of Order: December 12, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Pankaj Sharma, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.

BY THE COURT:

By this criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner seeks modification in the order dated 22-7-2006 passed by the Sessions Judge, Hanumangarh (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 179/2006, whereby the revision petitions filed by the petitioner and other petitioners were partly allowed and it was directed that the tractor be given to the petitioner on

Supurdginama on furnishing the bank guarantee of the price of the tractor within six months from the date of seizure of the vehicle, failing which the trial Court shall be free to give the custody of the tractor to the authorized person.

I have heard learned counsel for the petitioner and the Public Prosecutor. Perused the order impugned.

Learned counsel for the petitioner submits that the Revisional Court, by the impugned order, directed to release the tractor in question on furnishing the bank guarantee equivalent to the price thereof, which is an onerous condition and submits that the impugned order may be modified by allowing the petitioner to furnish solvent security instead of bank guarantee.

A coordinate Bench of this Court, in Rajendra Kumar Vs. State of Rajasthan, S.B. Criminal Misc. Petition No. 521/1995 decided on 21-8-1995, in a similar case, modified the order of the trial Court by allowing the petitioner therein to furnish Supurdginama along with surety bonds instead of bank guarantee for release of the vehicle in that case.

Having regard to the facts and circumstances of the instant case, in my view, directing the petitioner to furnish the bank guarantee equivalent to the price of the tractor appears to be a condition onerous and, therefore, the ends of justice would be met if the condition of giving the bank guarantee of the price of the tractor is modified by directing him to furnish bank

guarantee of Rs.50,000/- for a period of one year and solvent security of Rs.1,00,000/-.

The criminal miscellaneous petition is allowed. The impugned order dated 22-7-2006 passed by the Revisional Court is modified to the extent that the interim custody of the tractor in question be given to the petitioner on furnishing the Supurdginama along with the bank guarantee of Rs.50,000/- for a period of one year with one solvent security of Rs. 1,00,000/- to the satisfaction of the trial Court with other usual conditions which the trial Court thinks fit to impose. The trial Court is further directed to expedite the trial of the case and dispose of the matter preferably within one year.

(H.R. PANWAR), J.

mcs